

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GILEAD SCIENCES, INC.,

Plaintiff,

Case No. 08-CV-0566(DLC)(GWG)

-against-

ABRAHAM T. MORRISON,

Defendant.

x-----x

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. Defendant objects to such demand as it is vague and overly broad.
2. Defendant objects to such demand as it is vague and overly broad.
3. Defendant objects to such demand as it is vague and overly broad. Without waiving such objection, defendant is not in possession of any documents.
4. Defendant objects to such demand as it is vague and overly broad.
5. Defendant objects to such demand as it is vague and overly broad. Without waiving such objection, defendant is not in possession of any documents.
6. Defendant is not in possession of any document at this time.
7. Defendant is not in possession of any document at this time.
8. Defendant is not in possession of any document at this time.
9. Defendant objects to such demand as it is neither necessary nor material to the prosecution or defense of this action.
10. Defendant is not in possession of such document at this time.
11. Defendant objects to such demand as it is neither necessary nor material to the prosecution or defense of this action.

12. Defendant objects to such demand as it is neither necessary nor material to the prosecution or defense of this action.

13. Defendant objects to such demand as it is neither necessary nor material to the prosecution or defense of this action.

14. Defendant objects to such demand as it is neither necessary nor material to the prosecution or defense of this action.

Defendant reserves the right to amend said Response to Plaintiff's First Request for Production of Documents at a later time.

Dated: August 22, 2008
Forest Hills, NY

PAUL E. KERSON
Leavitt, Kerson & Duane
Attorneys for Defendant
118-35 Queens Blvd., Suite 1205
Forest Hills, NY 11375
(718) 793-8822

To: Carmine J. Castellano, Esq.
Bainton McCarthy LLC
Attorneys for Plaintiff
26 Broadway, Suite 2400
New York, NY 10004-1840
(212) 480-3500

STATE OF NEW YORK, COUNTY OF QUEENS

ss.:

STACEY SHOWALTER, being duly sworn says: I am not a party to the action, am over 18 years of age and reside at Queens County.

On August 22, 2008, I served a true copy of the annexed DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS in the following manner:

- Service By Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- Personal Service on Individual** By delivering the same personally to the persons and at the addresses indicated below:
- Service by Electronic Means** By transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- Overnight Delivery Service** By depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Carmine J. Castellano, Esq.
Bainton McCarthy LLC
Attorneys for Plaintiff
26 Broadway, Suite 2400
New York, NY 10004-1840

Sworn to before me on August 22, 2008

s/Paul E. Kerson
Notary Public

s/Stacey Showalter
STACEY SHOWALTER

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REQUEST FOR PRODUCTION OF DOCUMENTS**

LEAVITT, KERSON & DUANE
Attorneys for Defendant
118-35 Queens Boulevard
Suite 1205
Forest Hills, New York 11375
(718) 793-8822
Fax (718) 261-5013

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: Signature:

Print Signer's Name

Service of a copy of the within is hereby admitted.

Dated:
Attorney(s) for

LEAVITT, KERSON & DUANE
Attorneys for Defendant
118-35 Queens Blvd., #1205
Forest Hills, NY 11375
(718) 793-8822

